



# California Fair Political Practices Commission

November 14, 1988

Janice Warner  
City Clerk  
City of Rosemead  
8838 E. Valley Boulevard  
Rosemead, CA 91770

Re: Your Request for Advice  
Our File No. I-88-392

Dear Ms. Warner:

You have requested advice regarding application of Section 89001 of the Political Reform Act (the "Act")<sup>1/</sup>, as amended by Proposition 73 on the June 7, 1988 ballot.

## QUESTION

If the Rosemead Chamber of Commerce receives funds from the city which are commingled with the Chamber's other funds, is the Chamber responsible for compliance with the mass mailing prohibition of Section 89001?

## CONCLUSION

Section 89001 does not restrict mailings produced and distributed by private entities such as the Rosemead Chamber of Commerce.

## FACTS

The Rosemead Chamber of Commerce receives approximately \$25,000 per year from the City of Rosemead. The Chamber publishes a newsletter with a circulation of more than 212. The newsletter contains the pictures and names of the city council. In addition, the Chamber publishes a yearly directory which is sent to every resident in the city.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Janice Warner  
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ANALYSIS

Section 89001, as amended by Proposition 73, provides:

No newsletter or other mass mailing shall be sent at public expense.

In the case of the Rosemead Chamber of Commerce, mailings are not sent at "public expense." The Chamber is not a public entity merely because it receives some public moneys. (In re Leach (1978) 4 FPPC Ops. 48; Ryal Advice Letter No. A-88-042, copies enclosed.) Consequently, unless the city expressly funds the production and distribution of the newspaper, we conclude that it is not sent at public expense.<sup>2/</sup>

If you have any further questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

*John G. McLean (Red)*  
By: John G. McLean  
Counsel, Legal Division

DMG:JGM:ld

Enclosure

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<sup>2/</sup> You have also asked whether the Chamber could avoid the mass mailing prohibition by segregating the funds which it receives from the city. Based upon our conclusion above, it is not necessary to segregate the funds received from the city.

MAYOR:  
ROBERT W. BRUESCH

MAYOR PRO TEM:  
DENNIS McDONALD

COUNCILMEN:  
ROBERT DeCOCKER  
JAY T. IMPERIAL  
GARY A. TAYLOR



## City of Rosemead

8838 E. VALLEY BOULEVARD • P.O. BOX 399  
ROSEMEAD, CALIFORNIA 91770  
TELEPHONE (818) 288-6671  
TELECOPIER 8183079218

October 5, 1988

California Fair Political  
Practices Commission  
P.O. Box 807  
Sacramento, CA 95804-0807

FPPC  
Oct 11 9 17 AM '88

This letter is to request an advice letter from the Commission with reference to the mass mailing provisions of Proposition 73.

The Rosemead Chamber of Commerce receives approximately \$25,000.00 per year from the City of Rosemead. The Chamber publishes a monthly newsletter with a circulation of more than 212. This newsletter promotes the members of the City Council with their pictures and names. In addition, the Chamber publishes a yearly directory which is sent to every resident in the City. If the funds received from the City are co-mingled with the Chamber's other funds, would the Chamber be responsible for compliance with the mass mailing provisions of Prop. 73? If the funds received from the City are kept separate from the Chamber's other funds and not used for the newsletter, would the Chamber be responsible for compliance with the mass mailing provisions of Prop. 73?

Please send your response to:

Janice Warner, City Clerk  
City of Rosemead  
8838 E. Valley Boulevard  
Rosemead, CA 91770

Thank you.

JANICE WARNER  
City Clerk  
City of Rosemead

:jw/E-26-36(2)

88-392

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